

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE
AT WINCHESTER

UNITED STATES OF AMERICA)	
)	Case No. 4:12-cr-19
v.)	
)	MATTICE / LEE
VICTOR J. STITT, II)	

ORDER

Before the Court is Defendant's motion to continue the hearing on Defendant's motion to suppress [Doc. 70], which is currently scheduled for June 19, 2013. For cause, Defendant counsel, John H. Cameron, Jr. states that he has previously set matters scheduled in Marion County Circuit Court and has been unable to arrange for another attorney to handle these matters set on June 19, 2013 in Marion County Circuit Court. The government has no objection to defendant's motion for continuance of the hearing.

The Speedy Trial Act (the "Act") requires that a defendant's trial commence within 70 days of his initial appearance. 18 U.S.C. § 3161(c)(1). That 70-day period, however, may be tolled by several events, including delays caused by a pretrial motion. *Id.* § 3161(h)(1)(D). In addition, a defendant has a right to speedy trial under the Sixth Amendment. *Barker v. Wingo*, 407 U.S. 514, 515 (1972). The constitutional inquiry requires an ad hoc balancing of the rights of the accused against society's interest in the delay. *Id.* at 530. Courts are guided in this balancing test by several factors: the reason for and length of the delay, the defendant's assertion of his right, and prejudice to the defendant. *Id.*

Here, the delay is relatively short; the reason for the delay is legitimate; and the government has no objection to the continuance. Because these factors favor the continuance, the motion [Doc. 70] is **GRANTED**.

Accordingly, the Court gives **NOTICE** that an evidentiary hearing will be held on the motion to suppress filed by Defendant [Doc. 66] before **U.S. Magistrate Judge Susan K. Lee on Wednesday, June, 26, 2013 at 9:00 a.m. [EASTERN]**, 4th Floor Courtroom, 900 Georgia Avenue, in Chattanooga, Tennessee.

SO ORDERED.

ENTER:

s/ Susan K. Lee

SUSAN K. LEE
UNITED STATES MAGISTRATE JUDGE